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Plaintiff in pro per

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 RICHARD W. WIEKING
 CLERK
 U.S. DISTRICT COURT
 NO. DIST. OF CA. S.J.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

C/O

| | | |
|-----------------------------------|---|------------------------------------|
| James Alan Bush, |) | Case No.: C 08-01354 (RS) JF |
| |) | |
| Petitioner, |) | PROPOSED ORDER FOR EX PARTE |
| |) | WRIT OF POSSESSION FOR CLAIM AND |
| v. |) | DELIVERY |
| |) | |
| Donnie aka Lamont aka Lil' |) | [Code Civ. Proc. §§ 512.020; |
| Mon DOE, Eric DOE, Santa Clara |) | 512.030; 512.070; 514.010-514.050; |
| County Sheriff's Office, San Jose |) | 515.010] |
| Police Department, |) | |
| |) | |
| Respondents. |) | Judge Jeremy Fogel |
| |) | |

PROPOSED ORDER FOR WRIT OF POSSESSION EX PARTE

The application of the petitioner for an ex parte writ of possession has been considered by the court, which finds that petitioner has established the probable validity of his claim to possession of the following property:

- an LG VX9800 cellular telephone;

- 1 • a case of DVDs (approx. 10 to 20), marked "Evidence" in black
2 ink by a felt-tip marker, and followed by a date; and,
- 3 • a CaseLock-brand DVD carrying case, made of black, yellow and
4 gray nylon, with zipper.

5 There is probable cause to believe this property or some part of it
6 is located at one or more of the private places, in which Respondents,
7 Donnie DOE and Eric DOE, reside.

8
9 **ADDITIONAL FINDINGS FOR EX PARTE ISSUANCE OF WRIT OF POSSESSION**

10 The court also finds that the respondents gained possession of the
11 property described herein, which was not entrusted to the respondents,
12 by feloniously taking such property from the plaintiff by means other
13 than by false or fraudulent representation, pretense, or embezzlement.

14
15 **ORDERS**

16 IT IS ORDERED:

- 17 a. The clerk of this court is directed to issue a writ of possession as
18 provided in Code of Civil Procedure section 512.020, directing the
19 sheriff or marsal within whose jurisdiction the property described
20 herein, or some part of it, is located, to seize such property and
21 retain custody of it as provided in Code of Civil Procedure sections
22 514.010-514.050.
- 23 b. The clerk is directed to issue the writ of possession immediately.
- 24 c. The sheriff or marshal may enter the private place(s) of
25 Respondents, Donnie DOE and Eric DOE, to take possession of the
26 property or some part of it.

1 d. Respondents, Donnie DOE and Eric DOE, are ordered to transfer
2 possession of the property described herein to the petitioner. (Code
3 Civ. Proc., § 512.070.)
4

5 **NOTICE TO DEFENDANT:** Failure to comply with an order of the court to
6 turn over possession of such property to the petitioner may subject you
7 to being held in contempt of court.
8

9 Signed:  _____ Dated: ____
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